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5                   **UNITED STATES DISTRICT COURT**  
6                   **DISTRICT OF NEVADA**  
7

8                   AARON CASTRO,  
9                   #62331,

10                  *Plaintiff,*

11                  vs.

12                  D. BAZE, *et al.*,

13                  *Defendants.*

3:13-cv-00402-RCJ-VPC

14  
15                  ORDER

16                  Plaintiff has not filed an amended complaint within the time allowed, including two  
17 extensions. The prior order dismissed the complaint, as amended, without prejudice with  
18 leave to amend. The order informed plaintiff that if he did not timely file an amended  
19 complaint, final judgment would be entered without further advance notice dismissing the  
20 action. The order further informed plaintiff that the pauper application would be acted on in  
connection with the judgment. See #8, at 5-6.

21                  IT THEREFORE IS ORDERED that this action shall be DISMISSED without prejudice,  
22 for failure to state a claim upon which relief may be granted.

23                  IT FURTHER IS ORDERED that petitioner's second application (#7) to proceed *in*  
24 *forma pauperis* is GRANTED as per the remaining provisions herein, without payment of an  
25 initial partial filing fee installment. However, notwithstanding the dismissal of this action, the  
26 full \$350.00 filing fee must be paid pursuant to 28 U.S.C. § 1915(b)(2).

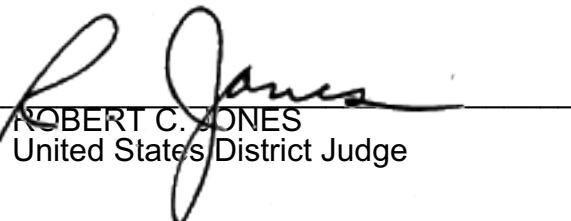
27                  IT FURTHER IS ORDERED that the movant herein is permitted to maintain this action  
28 to conclusion without the necessity of prepayment of any additional fees or costs or the giving

1 of security therefor. This order granting *forma pauperis* status shall not extend to the  
2 issuance of subpoenas at government expense.

3 IT FURTHER IS ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), the Nevada  
4 Department of Corrections shall pay to the clerk of the United States District Court, District  
5 of Nevada, 20% of the preceding month's deposits to plaintiff's account (in the months that  
6 the account exceeds \$10.00) until the full \$350.00 filing fee has been paid for this action. The  
7 Clerk of the Court shall SEND a copy of this order to the Finance Division of the Clerk's  
8 Office. The Clerk shall also SEND a copy of this order to the attention of the Chief of Inmate  
9 Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

10 The Clerk of Court shall enter final judgment accordingly, dismissing this action without  
11 prejudice.

12 DATED: September 9, 2014.

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ROBERT C. JONES  
United States District Judge  
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